

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHRISTOPHER PAGAN, on behalf of himself and
all others similarly situated,

24 Civ. 104 (VSB)

Plaintiff,

-against-

**ORDER TO SHOW CAUSE
FOR DEFAULT JUDGMENT**

LUCCELLO, INC. d/b/a ITSHOT.COM,

Defendant.
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Upon the Declaration of Jon L. Norinsberg, Esq., counsel for Plaintiff, Christopher Pagan, dated March 15, 2024, and the exhibits attached thereto, it is hereby:

ORDERED, that the above-named Defendant, Luccello, Inc., d/b/a Itshot.com, show cause at a term of this Court, before the Honorable Judge Vernon S. Broderick, in Courtroom 518, United States District Court for the Southern District of New York, 500 Pearl Street, New York, N.Y. 10007, on the _____ day of March, 2024, at _____ o'clock in the forenoon of that day, or as soon thereafter as counsel may be heard, why a Default Judgment ought not be entered against it, pursuant to Federal Rules of Civil Procedure ("FRCP"), Rule 54(b) and 55(b), in favor of Plaintiff, Christopher Pagan, *et al.*, based upon Defendant's failure to answer or otherwise appear in this action, for the following relief:

- a. A preliminary and permanent injunction to prohibit Defendant from violating the Americans with Disabilities Act, 42 U.S.C. § 12182, *et seq.*, N.Y. Exec. Law § 296, *et seq.*, N.Y.C. Administrative Code § 8-107 *et seq.*, and the laws of New York;
- b. A preliminary and permanent injunction requiring Defendant to take all steps necessary to make its website fully compliant with the requirements set forth in the ADA, and its implementation of regulations, in order that the website is readily accessible to and usable by blind and/or sight-impaired individuals;
- c. A declaration that the Defendant owns, maintains and/or operates the Defendant's website in a manner that discriminates against the blind and/or sight impaired and which fails to provide access for persons with disabilities as required by the Americans with Disabilities Act, 42 U.S.C. § 12182, *et seq.*, and the laws of New

York;

- d. Compensatory Damages pursuant to NYCHRL, in the amount of \$1,000.00; and
- e. Reasonable attorney fees and costs associated with this matter, at the discretion of this Court.

IT IS FURTHER ORDERED that service of a copy of this Order and the papers upon which it is based, shall be served upon Defendant on or before _____, 2024, in one of the methods described in Federal Rule of Civil Procedure 4(e)(2), and such service shall be deemed good and sufficient service.

IT IS FURTHER ORDERED that Defendant shall deliver any opposing papers in response to this Order to Show Cause no later than _____. Plaintiff's counsel shall have until _____, 2024, to serve any reply papers upon Defendant.

The Defendant is advised that failure to respond to the Order to Show Cause may be grounds for the granting of a default judgment against it, in which event the Defendant will have no trial.

Dated: New York, New York
March ____, 2024

HON. VERNON S. BRODERICK, USDJ